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EXAMINER

MENDOZA JR, JORGE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,458	Applicant(s) KARAOGUZ ET AL.	
	Examiner JORGE MENDOZA JR	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-38** are presented for Examination.
2. Claims **1-22** and **26-38** have been amended.

Drawings

3. The drawings were received on 04/17/2008. These drawings are accepted.

Response to Arguments

4. Applicant's arguments with respect to Claims **1-38** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Novak (US Patent Application Publication 2002/0104099 A1)** in view of **Ellis et al. (US Patent No. 6,774,926 B1)**.

With respect to Claim **1**, the claimed "*determining when one or both of personal media and/or broadcast media is scheduled in at least one constructed display for*

presentation at a first geographic location, wherein said scheduling is performed at said first geographic location” is met in part by Novak that teaches the determination of scheduled broadcast media by using an electronic program guide, EPG 153, which is constructed/produced by a local studio 106 or a cable service provider 108 and where personal media can be scheduled by a individual acting as a program director, upload source 122 (*Fig.1; paragraph [0038]*). The Novak reference does not explicitly teach that the EPG is scheduled at a given location for presentation at the same location.

However, in the same field of endeavor, Ellis et al. teach a personal television channel system in which contributors such as individuals in the home may create personal television channel programming and may set up scheduling for the personal television channel programming- whereby the contributor and the viewers may use the same user equipment thus enabling a contributor to receive scheduling information of personal and/or traditional television channels (*Abstract; Fig.1; col.1, lines 46-51; col.2, line 65 to col.3, line 6; col.3, lines 18-28; col.4, lines 59-61; col.5, lines 15-22; col.11, lines 45-51; col.14, lines 23-32*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of the Novak reference with those of the Ellis et al. reference in order to allow a contributor to receive the personal channel listing that they have contributed. A person of ordinary skill in the art would have been motivated to make such a modification to the Novak reference so as to provide an overall more enjoyable viewing experience by permitting a contributing party to view personal media programming that they are most likely to be interested in.

The claimed "*acquiring information related to said scheduled one or both of said personal media and/or said broadcast media from at least one media provider;*" is met by Novak that teaches the acquisition of personal media information from an upload source (122,222) pertaining to the scheduling or sequencing of personal media (*Figs.1,2, 6, & 7; paragraphs [0010], [0039], [0056], [0062], & [0063]*). The claimed "*and updating, at a second geographic location, said at least one constructed display based on said acquired information*" is met by Novak that teaches the updating of an EPG (153) upon acquiring information relevant to the scheduling of the personal media content uploaded by an upload source (122,222) to a local studio (106) or a cable service provider (108) and its subsequent transmittal to a 2nd geographic location- i.e. a user using set top box 152 (*Figs.1&2; paragraphs [0010], [0041], & [0079]*).

With respect to Claim **2**, the claimed "*comprising transferring to said first geographic location said updated at least one constructed display for presentation at said first geographic location*" is met by Ellis et al. that teach a personal television channel system in which contributors such as individuals in the home may create personal television channel programming and may set up scheduling for the personal television channel programming- whereby the contributor and the viewers may use the same user equipment thus enabling a contributor to receive scheduling information of personal and/or traditional television channels (*Abstract; Fig.1; col.1, lines 46-51; col.2, line 65 to col.3, line 6; col.3, lines 18-28; col.4, lines 59-61; col.5, lines 15-22; col.11, lines 45-51; col.14, lines 23-32*).

With respect to Claim **3**, the claimed "*comprising accessing subscription information related to said media broadcast scheduled in at least one constructed display*" is met by Novak that teaches the acquisition of subscription information by a cable service provider's 108, in order to selectively send an updated EPG 153 containing a synthetic channel (*Figs. 1, 7, & 11; paragraphs [0010], [0075] & [0080]*).

With respect to Claim **4**, the claimed "*comprising storing media broadcast content corresponding to said accessed subscription information*" is met by Novak that teaches the storage to a server of uploaded media objects to be provided to a client terminal (*Figs. 1, 2, 4, & 5; paragraphs [0010], [0039], [0043], [0055], [0056], [0061]*).

With respect to Claim **5**, the claimed "*comprising communicating said stored media broadcast content to a location where said updated at least one constructed display is presented*" is met by Novak that teaches the transmittal of stored uploaded media objects to a client terminal via a synthetic channel, which is included in an updated EPG 153 (*Fig. 1, 2, 4, & 11; paragraphs [0010], [0060], [0069], [0085], [0087]*).

With respect to Claim **6**, the claimed "*comprising combining representations of updated broadcast media and/or said personal media in said at least one constructed display based on said acquired information*" is met by Novak that teaches the use of an EPG (**153,802**) in presenting to a client listings for both personal and broadcast media available (*Figs. 8 & 9; paragraphs [0026], & [0070]-[0074]*).

With respect to Claim **7**, the claimed "*comprising generating at least one updated constructed display comprising at least representations of said updated broadcast media and/or said personal media*" is met by Novak that teaches the

production/generation of an updated EPG by a local studio 106 and/or a cable service provider 108 (*Figs. 1 & 7; paragraphs [0037], [0041], [0068]*).

With respect to Claim **8**, the claimed "*comprising rescheduling presentation of one or both of said broadcast media and/or said personal media via said updated at least one constructed display to prevent scheduling conflicts*" is met by Novak that teaches the re-sequencing of media objects, to be presented on an electronic program guide, if an individual at an upload source 122 schedules one or more media objects for the same time slot (*paragraph [0065]*).

With respect to Claim **9**, the claimed "*wherein said at least one constructed display is one or more of a channel guide, device guide, and/or media guide*" is met by Novak that teaches the use of an electronic program guide 153 for the display of personal media and broadcast media (*paragraphs [0010], [0026], [0037], [0083], [0087]*).

With respect to Claim **10**, the claimed "*comprising formatting said at least one constructed display in a graphical user interface*" is met by Novak that teaches the use of a electronic program guide 153, that can be used as a graphical user interface in so far as automatic tuning to a particular channel can be achieved by clicking on a listing provided (*paragraphs [0037], [0038]*).

Claims **11, 21, 31 & 32** are met as previously discussed with respect to Claim **1**.
Claims **12, 22, & 33** are met as previously discussed with respect to Claim **2**.
Claims **13, 23, & 34** are met as previously discussed with respect to Claim **3**.
Claims **14, 24, & 35** are met as previously discussed with respect to Claim **4**.

Claims **15, 25, & 36** are met as previously discussed with respect to Claim **5**.

Claims **16 & 26** are met as previously discussed with respect to Claim **6**.

Claims **17 & 27** are met as previously discussed with respect to Claim **7**.

Claims **18 & 28** are met as previously discussed with respect to Claim **8**.

Claims **19, 29, & 37** are met as previously discussed with respect to Claim **9**.

Claims **20, 30, & 38** are met as previously discussed with respect to Claim **10**.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/
Examiner, Art Unit 2623**

**/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623**